

# ENVIRONMENT AND LIVING SCRUTINY COMMITTEE

20 November 2012

**PRESENT:** Councillor Hunter-Watts (Chairman); Councillors Adams, Mrs Bloom, Bond, Mrs Brandis, Fealey (Vice Chairman), Foster, Monger (in place of Cashman), Mrs Roberts (in place of Mrs L Smith), Mrs Russel, Stuchbury, Vick and Winn. Councillor Mills, Mrs Renshell and Sir Beville Stanier attended also.

**Apology:** Councillors Cashman, Mrs Chapple, Hughes and Mrs L Smith.

## 1. MINUTES

As mentioned at the meeting on 19 September 2012, it was commented that Councillor Cashman had not received a response from the Cabinet Member for Planned Development, Design and Conservation on what action the Council could take to put together a 'local list' of locally significant buildings that were not listed buildings or located within a Conservation area.

RESOLVED –

That the minutes of the meetings held on 19 September 2012, and 3 October 2012, be approved as correct records.

## 2. LONDON LUTON AIRPORT

(Mr Neil Thompson (Operations Director) of London Luton Airport Operations Limited attended to present this item to Members)

Government policy outlined in the Future of Air Transport White Paper in 2003 recognised that Luton Airport had a key role in meeting expected air passenger demand in the south east over the next 30 years and suggested there was justification for expansion of the airport to its maximum capacity based on a single runway, approximately 30 million passengers per annum (mppa), by 2030.

In September 2012 London Luton Airport Operations Ltd (LAOL) published a revised Masterplan document for consultation which set out proposals to expand the capacity of the airport to accommodate 18 mppa by 2031. A copy of this document was attached as Appendix 1 to the Committee report. The development brief had 3 key objectives:-

- To make the airport a better airport.
- To make the airport a bigger airport.
- To be the best neighbour they can be.

Key features of the development include:

- All developments contained within the existing site boundary.
- Improvements to internal traffic flow and car parking.
- Extension of taxiways and aircraft stands.
- Improvements to terminal buildings.
- Increase in air traffic movements from an estimated 112,000 in 2013 to 157,000 by 2031.

- Economic benefits estimated to be worth around £283m p.a. with the creation of 1,700 jobs locally
- Supplementary measures for inclusion on the Luton Airport Noise Action Plan have been suggested to help mitigate noise impacts from the development.

The Cabinet Member for Environment and Health had responded to the consultation on the 12 October, and a copy of this was attached as Appendix 2 to the Committee report.

A full planning application to Luton Borough Council would be submitted shortly to seek permission to implement the proposals contained in the Masterplan.

The Committee was asked to consider the information and presentation and indicated any comments that they wished to be reported back to the Cabinet Member for Environment and Health, who was AVDC's representative on the London Luton Airport Consultative Committee and would be able to submit comments in relation to issues raised or on future planning applications that impacted on residents of Aylesbury Vale.

Members requested further information and were informed:-

- (i) that a full environmental assessment would be undertaken for the expansion proposals, relating to noise from aircraft currently in use, and for aircraft likely to be used in the future.
- (ii) that NATS, the provider of air traffic control services in the UK, was currently defining an extensive ten-year programme to modernise UK airspace. The London Airspace Management Project (LAMP) would be looking to renew the airspace system across almost the whole of southern England to deliver enhanced safety, efficiency and environmental performance. This could include measures such as aircraft ascent and descent climb levels and looking to raise holds (stacks) higher to help reduce noise and visual intrusion.
- (iii) that the airport was only planning to have one runway up until 2031.
- (iv) that the airport already had a 24 hour operating licence, with a quota system operating between 11.30pm and 6am.
- (v) that Luton airport was the biggest hub for business jets in the UK, that was a big part of the airport's business. As such, the airport was not looking, nor did it have the necessary infrastructure, to expand to take on transatlantic or longer hauler flights.
- (vi) that the airport continued to work with train and bus companies to improve public transport links, as there was an aspiration to increase the percentage of people using public transport to access the airport from the current 34% to 40%, which was a part of the airport's overall transport plan.
- (vii) that the proposals were in line with Government forecasts for the future development of the airport. These forecasts had been independently checked by the airport.
- (viii) on the aircraft noise contours and other information on noise detailed at pages 13 and 38 of Appendix 1 (consultation document).
- (ix) further on the employment and economic benefits that would be created.

- (x) on the work the airport was doing to improve access to the terminal and facilities by people with a disability.
- (xi) that it was unlikely that the airport could expand the capacity to accommodate more than 18 mppa without having an additional runway(s) or expanding beyond the current land area, both of which were not being proposed.
- (xii) that the airport was prepared to work with the local planning authority (Luton Borough Council) in response to any conditions that might be imposed relating to the planning application.

RESOLVED –

- (1) That Mr Thompson of London Luton Airport Operations Limited be thanked for attending the meeting and presenting to the Committee.
- (2) That the comments made by the Committee be reported back to the Cabinet Member for Environment and Health so that he could raise them with the LAOL, or in response to future planning applications, as appropriate.

### **3. BUCKS HOME CHOICE – REVIEW OF HOUSING ALLOCATIONS POLICY**

Following the passing of the Localism Act 2011 (ss 145-147), amending the Housing Act 1996 (Part V1), local housing authorities have been given the power to make their own decisions on who should or should not qualify to be accepted onto their housing register and be prioritised for the allocation of social housing, subject to on-going statutory Government guidance.

The Committee received a report on the changes proposed to the Council's statutory housing allocation scheme through the countywide Bucks Home Choice, Choice Based Lettings system. In broad terms the drivers behind the proposed changes can be summarised as:

- responding to new Government policy and guidelines (e.g. regulations regarding armed forces, welfare reforms etc.)
- tightening the local connection criteria so that each district could focus on allocating to households who are living and/or working in its area.
- recognising that many non-priority applicants registered on Bucks Home Choice have no realistic prospect of being re-housed via the scheme and that it would be more appropriate to restrict the scheme to "reasonable preference" households.

If the proposed changes were applied to the existing Council Bucks Home Choice Register about 800 cases would cease to be qualifying households.

Bucks Home Choice was the choice based lettings scheme operated jointly by Aylesbury Vale, Chiltern, South Bucks and Wycombe District Councils for the allocation of social housing tenancies. The scheme was operated in partnership with the four main stock transfer Registered Providers – Paradigm Housing, London and Quadrant, Vale of Aylesbury Housing Trust and Red Kite.

Under the Bucks Home Choice scheme, the partners operated a common allocations policy for:

- assessing who qualified for Bucks Home Choice.

- prioritising applicants based on their housing need.
- allocating vacant social housing tenancies.

The partners also shared a common database for recording applicant details. However, within the common allocations policy and database, each District Council still operated its own Housing Register (i.e. applicants seeking housing in Aylesbury Vale applied to AVDC, applicants seeking housing in Chiltern apply to Chiltern District Council etc.). As at 1 October 2012, a total of 4453 applicants were registered as “live” applicants requiring accommodation in the Aylesbury Vale district under the Bucks Home Choice Scheme, with a further 814 being checked for validation or pending assessment. From the supply viewpoint, 597 households were rehoused from the register managed by the Council in 2010/11, and 567 in 2011/12, i.e. an average number of circa 48 lettings per month were let via Bucks Home Choice during these 2 years.

The current allocations policy had been originally adopted in May 2009 and subsequently revised in late 2010. Both the original policy and the revised version were subject to the requirements of Part 6 of the Housing Act 1996 which:-

- specified how that the local housing authority should assess who qualified for social housing and how they should be prioritised.
- required the authority to publish its housing allocation scheme.
- required the authority to allocate social housing in accordance with the published scheme.

The current Bucks Home Choice allocation policy prioritised applicants in one of four priority bands which can be broadly summarised as:-

**Band A** – Urgent and immediate need to move.

**Band B** – Extensive or multiple housing needs.

**Band C** – Current housing need.

**Band D** – No current housing need.

When a tenancy was advertised, applicants were prioritised based on the following:

- (a) Priority Band (i.e. Band A is a higher priority than B and so on).
- (b) Local connection to the District where the tenancy is located (i.e. Aylesbury Vale, Chiltern, South Bucks or Wycombe).
- (c) Date of registration.

A person could only be excluded from applying for social housing if:-

- the applicant was ineligible for social housing due to immigration status; or
- the applicant had been guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant.

Anyone who did not fall into these categories was entitled to apply for social housing, which was reflected in the current Bucks Home Choice allocation policy requirements.

Amended legislation and guidance gave local housing authorities the power to make their own decisions on who should or should not qualify to be allocated social housing. It was also meant to allow Councils to better manage their waiting lists” and

“to tailor their allocation policies to meet local needs and circumstances”. The Guidance highlights that:

- Government would continue to set the criteria for deciding if persons from abroad were eligible to apply for housing.
- Council housing allocation policies must take account of Government criteria on persons from abroad (i.e. classes of person who couldn't apply for housing due to immigration status). Apart from this, Councils were free to decide who did and did not qualify to go onto their housing waiting lists.
- Councils should consider how they managed unrealistic expectations from people with little or no prospect of being re-housed.
- Councils still had to ensure that their allocation schemes gave “reasonable preference” to the categories of household set down in the Housing Act, as amended. However, Councils could include other local priorities alongside these categories, provided the local priorities did not dominate the allocation scheme.
- the Guidance encouraged Councils to consider how they could take advantage of this flexibility to meet local needs and local priorities.
- there was no longer a requirement for non-priority transfer applicants (i.e. Registered Provider tenants with no housing need who are seeking a move) to be included in Council allocation schemes.

The Council was still required to ensure that, overall, their allocation policies gave reasonable preference to categories detailed in the amended Housing Act, which related to issues including homelessness; people occupying insanitary, overcrowded or unsatisfactory housing or who needed to move on medical or welfare (including grounds relating to disability), and people who needed to move to a particular locality, where failure to meet that need would cause hardship to themselves or others.

A review had been undertaken of the allocations policy. Full details of the proposed changes and a comparison with the current policy were set out in the table at Appendix 1 to the Committee report. The changes covered the following areas:-

- (A) Restrict the scheme to households who have a local connection to Bucks and only allow applicants to register with the District where they have a local connection.
- (B) Exclude applicants from the scheme who do not have a reasonable preference for re-housing
- (C) Place intentionally homeless households in a lower priority band.
- (D) Exclude applicants with a history of rent arrears from registering unless they have made arrangements to clear the arrears.
- (E) Amend the overcrowding criteria to bring it in line with Government Guidance and Welfare Benefit changes.
- (F) Exclude owner occupiers from the scheme (unless they have to move to older persons accommodation and/or cannot remain in their own home due to medical or mobility issues that cannot be addressed with disabled adaptations).
- (G) Give members of the armed forces due consideration in line with Government guidance.

- (H) Amend the process for taking account of Date of Registration when prioritising applicants for vacancies

Persons who already held a tenancy with a Registered Provider (e.g. Paradigm) or in private rented accommodation would continue to be able to apply to the Bucks Home Choice scheme. However, they would still need to meet the scheme qualification criteria in the revised policy in order to register. The report also included further details on the main impacts of the amended policy and guidance and on the local consultation that had taken place on it, in particular relating to local connection rules.

As part of the policy review, the BHC partnership was legally obliged to conduct consultation with Registered Providers with whom they have nomination arrangements in Buckinghamshire. It also had a duty to advise those likely to be affected by a major policy change of the effect the revised policy. We would expect to do this early in 2013, subject to the draft policy being approved by Members across the four district councils in the BHC Partnership.

Members requested further information and were informed:-

- (i) (H) – that if a person moved into a higher priority banding (e.g. Band C to Band B), the registration date would be re-set so that applicants who had been registered for the longest period within that band would be re-housed first.
- (ii) (A) – that a person who lived in one District and worked in another could have a local connection to both of them.
- (iii) (C) – that the definition of homelessness used in the policy was in line with statutory guidance.
- (iv) (E) – that the assessment on overcrowding and allocating properties where people might face a housing benefit shortfall because they were deemed to be under-occupying was in line with national policy issued by the Department for Works and Pensions.
- (v) that some other local authorities had set the local connection criteria at 3 or 5 years, which AVDC Officers believed was too strict.
- (vi) that the Council was confident that the “live” applicants list of 4453 was accurate.
- (vii) that villages with a population less than 3000 were able to prove there was a local need for affordable housing they could obtain planning permission for a rural exception scheme.

Members also commented:-

- (a) concerns were expressed that the proposed changes were being made in response to changes to the benefits system, rather than to needs within the District. Officers confirmed that this was not the case. The need for change was prompted by a review of the Localism Act and changes to related statutory Government guidance.
- (b) Appendix of changed proposals – (A) (iii) (c) – that an applicant who had to move away from the district for reasons beyond their control should also include people moving out of the District due to a lack of local accommodation.
- (c) that they were supportive of allocations being divided into 3 or 4 sub-regions within the Aylesbury Vale district (e.g. north, central and south), and with

applicants only being allowed to register for a sub-region where they had a local connection. It was also stated that this seemed sensible, given that Aylesbury Vale was the third largest District by area in England.

Allocations could then be made first to applicants within those sub-regions within the 'reasonable preference' categories and then to other applicants in the normal order of priority who had a local connection to Aylesbury Vale.

- (d) that a person re-housed in an adjoining Ward could then be living a considerable distance from their support network.
- (e) (A) – that consideration should be given to raising the age limit in the policy, in particular relating to the details at paragraphs 5.11 and 5.12 of the Committee report, to persons aged 65 years or above.
- (f) that the process to remove 800 cases from the existing Council Bucks Home Choice Register, as they would cease to be qualifying households under new criteria, would need to be carefully managed.

#### RESOLVED –

- (1) That the views on the proposed changes to the Bucks Home Choice housing allocations policy made by Members at the meeting be reported to the Director and the Cabinet Member for Community Matters, for their consideration in finalising the proposed changes to the policy.
- (2) That the proposal as detailed at recommendation 2.1 (A) to the Committee report be supported, however, it was felt that this did not go far enough and the Director, in consultation with the Cabinet Member for Community Matters, was asked to investigate the possibility of further dividing the District into 3-4 sub-regions for the purposes of allowing applicants to register and to be allocated lettings, as detailed at point (c) above.
- (3) That the proposal as detailed as recommendation 2.1 (B) to the Committee report be supported, although consideration should be given to setting the age qualification to persons aged 65 years or above.

#### **4. SCRUTINY WORK PROGRAMME**

The newly formed Environment and Living Scrutiny Committee held its first meeting on 19 September 2012.

A work programme planning event had been held on 25 October 2012 at which Scrutiny Committee Members had been asked to identify issues that were within the Committee's terms of reference and would be suitable to look at as either a single report to the whole Committee or as a more "in-depth" review over a number of meetings.

During an interactive planning session, 62 issues were identified, 14 of which were highlighted for inclusion onto the future work programme. Issues were suggested under the following themes which were drawn from the Committee's terms of reference:-

- Environment (sustainability)
- Land Use / Transportation (AVDC policy re. physical development)
- Licensing
- Planning and Design services

- Flood risk and associated plans
- Parks / Open spaces
- Housing
- Environmental Health
- Crime and Disorder / Community Safety
- Leisure

Information on the 62 identified issues and the 14 that Members believed could be included on the future work programme were detailed at Appendix 1 to the Committee report.

The Committee report also included a prioritisation guide to help identify whether an issue might be of high/medium/low priority for inclusion on the work programme, and a draft of a scoping document that could be use to define how identified issues would be scrutinised.

Members considered a draft work programme for the Committee and agreed that the 14 issues should be included on the future work programme and, where practicable, combined into a single topic. It was also suggested that the issues could be dealt with through one of three ways:-

- (i) Officers providing a report to the Scrutiny Committee.
- (ii) additional information being reported to Members to raise their understanding and allow them to identify particular issue(s) they wished to scrutinise, for example, relating to enforcement.
- (iii) forming a sub-Group to investigate a particular issue, for example, the 'local list' of locally significant buildings proposal that had been put forward by Councillor Cashman.

#### RESOLVED –

- (1) That the 14 issues identified at the planning meeting be prioritised for inclusion within the future work programme.
- (2) That the scoping document as detailed at Appendix 2 to the Committee report be used in the future by the Committee to define how identified work programme issues would be scrutinised.
- (3) That authority be delegated to the Director and Senior Scrutiny and Democratic Services Officer, in consultation with the Chairman and Vice Chairman, to prepare a work programme taking account of the issues raised at the meeting, and to prepare initial draft scopes on the first issues to be scrutinised.  
  
(The Chairman and Vice Chairman gave an undertaking to liaise with Scrutiny Committee Members as part of the draft scoping process)
- (4) That items on the Vale of Aylesbury Plan (infrastructure) and volunteering linked to the Olympic legacy be reported to the Committee's December meeting.